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FACSIMILE COVER SHEET

DATE: April 25, 2005

TO: Examiner BAYARD, Djenane M. FAX NO.: 703-872-9306
USPTO GPAU 2141

FROM: Jeffrey G. Toler *JGT*
Reg. No. 38,342

RE: **RESPONSE TO NON-FINAL OFFICE ACTION**

U.S. APP NO.: 10/634,116

FILING DATE.: 08/04/2003

APPLICANT(S): Kenneth R. Jones, et al.

ATTY DKT NO.: 1033-SS00379

TITLE: SYSTEM AND METHOD TO IDENTIFY DEVICES
EMPLOYING POINT-TO-POINT OVER ETHERNET
ENCAPSULATION

NO. OF PAGES (INCL. COVER SHEET): 16

MESSAGE:

Attached please find:

- ☒ PTO/SB/21 Transmittal Form (1 pg.)
- ☒ PTO/SB/17 Fee Transmittal Form (1 pg.)
- ☒ Response to Non-Final Office Action (13 pgs.)

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PTO/SB/21 (09-04)

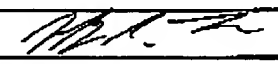
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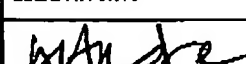
TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/634,116
	Filing Date	08/04/2003
	First Named Inventor	Kenneth R. Jones
	Art Unit	2141
	Examiner Name	BAYARD, Djenane M.
	Attorney Docket Number	1033-SS00379
Total Number of Pages In This Submission		15

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	TOLER, LARSON & ABEL, LLP		
Signature			
Printed name	Jeffrey G. Toler		
Date	4-25-2005	Reg. No.	38,342

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:			
Signature	Laura H. Andre		
Typed or printed name		Date	04/25/2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PTO/SE/17 (12-04)

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U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

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Effective on 12/08/2004. Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818). FEE TRANSMITTAL For FY 2005		Complete if Known	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		Application Number	10/634,116
		Filing Date	08/04/2003
		First Named Inventor	Kenneth R. Jones
		Examiner Name	BAYARD, Djenane M.
		Art Unit	2141
TOTAL AMOUNT OF PAYMENT (\$) 250.00		Attorney Docket No.	1033-SS00379

METHOD OF PAYMENT (check all that apply)	
<input type="checkbox"/> Check <input type="checkbox"/> Credit Card <input type="checkbox"/> Money Order <input type="checkbox"/> None <input type="checkbox"/> Other (please identify): _____	
<input checked="" type="checkbox"/> Deposit Account Deposit Account Number: 50-2469 Deposit Account Name: TOLER, LARSON & ABEL, LLP	
For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)	
<input checked="" type="checkbox"/> Charge fee(s) indicated below <input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee	
<input checked="" type="checkbox"/> Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 <input checked="" type="checkbox"/> Credit any overpayments	
WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.	

FEE CALCULATION							
1. BASIC FILING, SEARCH, AND EXAMINATION FEES							
Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	_____
Design	200	100	100	50	130	65	_____
Plant	200	100	300	150	160	80	_____
Reissue	300	150	500	250	600	300	_____
Provisional	200	100	0	0	0	0	_____
2. EXCESS CLAIM FEES							
Fee Description							Small Entity Fee (\$)
Each claim over 20 or, for Reissues, each claim over 20 and more than in the original patent							50
Each independent claim over 3 or, for Reissues, each independent claim more than in the original patent							200
Multiple dependent claims							360
Total Claims 5 - 20 or HP = 5 x 50 = 250							
Indep. Claims 0 - 3 or HP = 0 x 200 = 0							
Multiple Dependent Claims							
Fee (\$) Fee Paid (\$)							
3. APPLICATION SIZE FEE							
If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).							
Total Sheets - 100 = Extra Sheets / 50 = Number of each additional 50 or fraction thereof x Fee (\$) = Fee Paid (\$)							
4. OTHER FEE(S)							
Non-English Specification, \$130 fee (no small entity discount)							
Other: _____							

SUBMITTED BY		
Signature	Registration No. 38,342 (Attorney/Agent)	Telephone 512-327-5515
Name (Print/Type) Jeffrey G. Toler		Date 4-25-2005

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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APR. 25. 2005 5:35PM

TL&A 512-327-5452

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NO. 0782 P. 4

APR 25 2005

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Kenneth R. Jones et al.

Title: SYSTEM AND METHOD TO IDENTIFY DEVICES EMPLOYING POINT-TO-POINT-
OVER ETHERNET ENCAPSULATION

App. No.: 10/634,116

Filed: 08/04/2003

Examiner: BAYARD, Djenane M.

Group Art Unit: 2141

Customer No.: 34456

Confirmation No.: 5754

Atty. Dkt No.: 1033-SS00379

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

REPLY TO NON-FINAL OFFICE ACTION

Dear Sir:

In response to the Non-Final Office Action mailed January 25, 2005, please amend the
above-identified application as follows:

CERTIFICATE OF TRANSMISSION/MAILING	
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to the Commissioner for Patents on <u>04/25/2005</u> .	
<u>Laura H. Andre</u> Typed or Printed Name	<u>[Signature]</u> Signature